

LOCAL LAW #2 OF 2006  
PROVIDING FOR MAINTENANCE OF PROPERTY  
WITHIN THE TOWN OF CORNING  
*Adopted: August 10<sup>th</sup>, 2010*

**ARTICLE 1 - GENERAL PROVISIONS**

- A) It is found that there exist, and may in the future exist, within the Town of Corning, premises, buildings, structures or parts thereof for residential and nonresidential use, which by reason of their structure, equipment, sanitation, maintenance, use or occupancy, are likely to adversely affect the public health (including the physical, mental, and social well-being of persons and families) and general welfare, constituting a threat to the inhabitants of the Town of Corning. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration that, certain properties have the effect of creating blighting conditions and, if not remedied, the aforesaid conditions will grow and spread, and will necessitate a large amount of public funds to correct and eliminate the same.
- B) The purpose of these regulations is to protect the public health, safety and general welfare by establishing minimum standards governing the maintenance, appearance, and condition of residential and non-residential buildings or parts thereof.
- C. This law shall apply to all premises, buildings, structures and parts thereof located in the Town of Corning.
- D. Where the provisions of this law conflict with or impose a different requirement than any other law, rules, regulations or ordinances, the provision which establishes the stricter standard shall apply.

**ARTICLE II - POWERS AND DUTIES**

- A) The Code Enforcement Officer or his/her designee shall enforce all provisions of this law.
- B) No official or employee of the Town of Corning shall, while acting pursuant to these provisions of this law, be personally liable for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of the official duties, provided that such actions are performed in good faith and without gross negligence.
- C) The Code Enforcement Officer or designee and the Town constable shall have the power, right and authority to issue, or cause to be issued, appearance tickets for any violation of this law.

**ARTICLE III - DEFINITIONS**

**Blight:** Something that impairs or destroys; an impaired condition; to cause to deteriorate, ruin.

**Construction Debris:** Discarded building material, concrete, stones, earth from excavations or grading and all other refuse resulting from the erection, repair, demolition or other improvement of property.

**Garbage:** Food wastes; refuse; the worthless or useless part of something; leavings; trash; market wastes; and wastes from the handling, storage and sale of produce.

**Good Working Condition:** Fully operable for the use intended.

**Good Working Repair:** A standard of maintenance that renders a building safe, habitable, and possessed of a neat and orderly appearance.

**Junk:** Any product that is old, discarded or unused and any material commonly known and generally referred to as “junk” in the ordinary and accepted meaning of the word and does not belong in the outdoors.

**Owner:** The owner of the freehold of the premises in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building.

**Public Nuisance:** includes but is not limited to:

- A. Any physical condition of any premises or its appurtenances considered an attractive nuisance to children, including but not limited to abandoned wells, shafts, basements, excavations and unsafe fences or structures.
- B. Any premises that has unsanitary sewerage or plumbing facilities.
- C. Any premises designated as unsafe for human habitation.
- D. Any premises that is manifestly capable of being a fire hazard or is manifestly unsafe or unsecured so as to endanger life or property.
- E. Any premises from which the plumbing, heating, or facilities by any applicable codes have been removed or rendered ineffective, or the required precautions against trespassers have not been provided.
- F. Any premises that is unsanitary or that is littered with rubbish or garbage or that has an uncontrolled growth of weeds; and/or
- G. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant, or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

**Public View:** Any premises or open space or any part thereof, or any building or structure or yard that may be viewed by any member of the public from a sidewalk, street, alley or from any adjoining or neighboring property.

#### **ARTICLE IV - EXTERIOR PROPERTY**

The provisions of this article shall govern the minimum conditions and the responsibilities of person(s) for maintenance of premises.

**Vacant Structures and Land:** All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe and sanitary condition so as not to cause blighting conditions or adversely affect the public health, safety or general welfare. A vacant building shall be boarded up to make it secure from unauthorized entry or use. A vacant building boarded up for a period of one year shall then be removed or repaired to a condition that the building could be occupied.

**Condition of Land:** All land must be kept free of piles of dead brush, dead weeds, dead grass; accumulations of garbage, construction debris, junk; and/or excavated stumps. Vegetation shall not block pedestrian access, visibility of motorists, allow harborage of animals, or prevent proper maintenance of a property. This does not apply to managed compost piles, meadows, pastures, agricultural lands and other natural landscapes that are not intended to be lawns or landscaped areas associated with residences or businesses.

**Grading and Drainage:** All premises shall be graded and maintained to prevent the accumulation of stagnant water, but must not be graded so that water will flow to neighboring property.

**Grass and Weeds:** The owner(s) of a lawn shall not have growth of higher than ten (10) inches of grass and/or weeds.

**Accessory Structures:** All accessory structures shall be maintained in a structurally-sound manner and in good repair.

**Public Nuisance:** No owner or occupant shall cause a public nuisance within the Town boundaries.

All residences, buildings, and structures shall be maintained in a clean, safe and sanitary condition at all times.

#### **ARTICLE V - VIOLATIONS**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish, equip, use, occupy or maintain any building, structure

or premises or any part thereof, in violation of this law or to fail to comply in any manner with a notice or order of the Code Enforcement Officer. Any and all person(s) or entity(ies) that commits or takes part in or assists in a violation may be charged as provided in this law.

If the Code Enforcement Officer determines that a violation order shall be issued, the order shall be in writing and give the owner ten (10) days to comply from date of issue. Upon failure of the owner to comply with said notice, the Code Enforcement Officer shall cause a further notice to be served upon such owner to comply within five (5) days. Upon failure of owner to comply after second notice, court action may be taken for failure to comply; or the Town of Corning shall have the power to remedy the violation at the expense of the property owner. In the event fees are not paid to the Town within thirty (30) days, the expense thereof plus a 25% administration fee shall be charged to the property so affected by including such expense in the annual tax levy against the property pursuant to the Town Law of the State of New York. Should a person receive a ten (10) day and a five (5) day notice of violation under this law, no written notice is required for a subsequent violation and the Code Enforcement Officer may proceed directly to court prosecution. Violations will be charged for any violation of this law that is exposed to public view.

Orders and/or notices may be served in any manner calculated to reach the responsible party, including personal service upon the responsible party or service by certified mail to the tax record address of the property owner.

Each day's continued violation shall constitute a separate additional violation.

**ARTICLE VI - NOTICES AND ORDERS**

- A) The property owner shall be presumed to be the responsible party for any violation of this law.
  
- B) It shall be the duty of the Code Enforcement Office to issue a notice of violation or to order in writing, the correction of all conditions found to exist in or on any premises which violate the provisions of this local law. The notice shall contain the following:
  - 1) Name of the owner
  - 2) Location of the premises
  - 3) Statement of the facts which it is alleged violate this local law
  - 4) A demand that the violation be remedied within ten (10) days after the mailing of notice
  - 5) A statement that a failure to comply with the notice may result in prosecution

**ARTICLE VII - RESPONSIBILITIES OF OWNER**

Owners of the premises shall be responsible for compliance with this law and shall remain responsible thereof regardless of any agreements between owners and operators and occupants as to which party shall assume such responsibility.

**ARTICLE VIII - PENALTIES**

A person convicted of a violation of this law shall be fined \$250.00 for the first offence, and not less than \$400.00 and not more than \$1,000.00 for the second or any subsequent offense. In addition, such person shall be subject to imprisonment for a term not to exceed fifteen (15) days, or both fine and imprisonment, for the second or any subsequent offense.

**ARTICLE IX - EMERGENCY**

In the case of emergency which, in the opinion of the Code Enforcement Officer or his designee involves imminent danger to human life or health, the Code Enforcement Officer shall promptly cause any dangerous building to be made safe and secure or removed. For this purpose, the Code Enforcement Officer may at once enter such structure or land on which it stands or abutting land with such assistance and at such cost as may be necessary. The cost of any emergency work under this provision may be charged to the property affected by including such expense in the annual tax levy against the property pursuant to the Town Law of the State of New York.

This local law shall become effective immediately upon filing in the Office of the Secretary of State.

*Duly passed by the Town Board of the Town of Corning, November 8, 2006 and amended on \_\_\_\_\_.*